

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9 IN RE BARD IVC FILTERS PRODUCTS
10 LIABILITY LITIGATION

11 No. 2:15-MD-02641-DGC

12 This Document Applies to:
13 Christine Minor, 2:19-cv-00414-DCG

14 **SECOND AMENDED MASTER
15 SHORT FORM COMPLAINT FOR
16 DAMAGES FOR INDIVIDUAL
17 CLAIMS AND DEMAND FOR JURY
18 TRIAL**

19 **Plaintiff's First Amended Short Form Complaint**

20 Plaintiff(s) named below, for their Complaint against Defendants named below,
21 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).
22 Plaintiff(s) further show the Court as follows:

23 1. Plaintiff/Deceased Party:
24 **Christine Minor.**

25 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
26 consortium claim:
N/A.

27 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
28 conservator):
N/A.

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:
Florida.

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
2 at the time of injury:

3 Florida.

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:
5 Florida.

6 7. District Court and Division in which venue would be proper absent direct
7 filing:

8 Middle District of Florida - Fort Myers Division.

9 8. Defendants (check Defendants against whom Complaint is made):

10 C. R. Bard Inc.

11 Bard Peripheral Vascular, Inc.

12 9. Basis of Jurisdiction:

13 Diversity of Citizenship

14 Other: _____

15 a. Other allegations of jurisdiction and venue not expressed in Master
16 Complaint:
17 _____
18 _____
19 _____

20 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
21 a claim (Check applicable Inferior Vena Cava Filter(s)):

22 Recovery® Vena Cava Filter

23 G2® Vena Cava Filter

24 G2® Express Vena Cava Filter

25 G2® X Vena Cava Filter

26 Eclipse® Vena Cava Filter

27 Meridian® Vena Cava Filter

1 Denali® Vena Cava Filter

2 Other: _____

3 11. Date of Implantation as to each product:

4 July 17, 2006.

5 12. Counts in the Master Complaint brought by Plaintiff(s):

6 Count I: Strict Products Liability – Manufacturing Defect

7 Count II: Strict Products Liability – Information Defect (Failure
8 to Warn)

9 Count III: Strict Products Liability – Design Defect

10 Count IV: Negligence - Design

11 Count V: Negligence - Manufacture

12 Count VI: Negligence – Failure to Recall/Retrofit

13 Count VII: Negligence – Failure to Warn

14 Count VIII: Negligent Misrepresentation

15 Count IX: Negligence *Per Se*

16 Count X: Breach of Express Warranty

17 Count XI: Breach of Implied Warranty

18 Count XII: Fraudulent Misrepresentation

19 Count XIII: Fraudulent Concealment

20 Count XIV: Violations of Applicable Florida (insert
21 state) Law Prohibiting Consumer Fraud and Unfair and
22 Deceptive Trade Practices

23 Count XV: Loss of Consortium

24 Count XVI: Wrongful Death

25 Count XVII: Survival

26 Punitive Damages

3	_____
4	_____
5	_____
6	_____
7	_____
8	_____

13. Jury Trial demanded for all issues so triable?

Yes

No

RESPECTFULLY SUBMITTED this 30 day of January, 2019.

[SIGNATURE BLOCK]

By: /s/*Robert J. Fenstersheib*
[Attorney name/address]
520 W Hallandale Beach Blvd
Hallandale, FL 33009
rjf@fenstersheib.com

I hereby certify that on this 30 day of January, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Robert J. Fenstersheib